

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SPACESAVER CORPORATION,

Plaintiff,

v.

THE MARVEL GROUP, INC.,

Defendant.

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ORDER

09-cv-95-slc

Defendant The Marvel Group Inc.'s motion to dismiss Count V of plaintiff Spacesaver Corporation's second amended complaint is now before the court. Dkt. 58. Count V relates to plaintiff's claim for "Tortious Interference with Contract and Prospective Contractual Relationship." I dismissed the same claim from plaintiff's first amended complaint because plaintiff had failed to include allegations in his complaint that supported the claim, but I gave plaintiff leave to replead. Now that plaintiff has done so, defendant argues that the changes plaintiff made are insufficient and the claim must be dismissed again.

Although plaintiff's allegations could be more specific, I conclude that they are sufficient to satisfy federal pleading standards. If defendant believes that plaintiff cannot prevail on the claim for tortious interference, it may move for summary judgment at the appropriate time.

ORDER

IT IS ORDERED that defendant The Marvel Group, Inc.'s motion to dismiss Count V of plaintiff Spacesaver Corporation's second amended complaint, dkt. 38, is DENIED.

Entered this 9<sup>th</sup> day of September, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge